

REMARKS

Applicants carefully reviewed the Advisory Office Action mailed July 30, 2001. In the Response to the Final Office Action mailed July 11, 2001, Applicants amended Claims 1-3 and 6-8 to more clearly point out the present inventive concept and to present the claims in better form for consideration on appeal. Reconsideration and favorable action was respectfully requested in that response.

Regarding independent Claims 1 and 6, as well as the respective dependent Claims 4, 5, 9 and 10 depending therefrom, rejected under 35 U.S.C. 103(a) as being unpatentable over *Bendinelli et al.* (U.S. Patent No. 6,061,719) in view of *Yokozawa et al.* (U.S. Patent No. 5,740,369) in further view of *Ullman* (U.S. Patent No. 6,018,768), this rejection is respectfully traversed as follows. The present invention as recited in base Claims 1 and 6 as amended discloses a method for controlling a computer comprising the use of a unique *perceivable* code embedded in a recorded video program that is extracted from the program within the audio/video bandwidth thereof and used during access of a database at an intermediate location to obtain routing information for a remote vendor having vendor information. The routing information obtained from the database enables the transmission of a request for the vendor information to the remote site having the vendor information for return to the user location. The operations of the user computer at the user location are under the control of the unique code extracted from the video program.

In the Applicants' invention, it is not URLs or routing information for the vendor information at the intermediate site that is embedded in the incoming program material; rather a unique *perceivable* code is the embedded information. Further, the incoming program material is recorded video program material, it is not broadcast material. In fact, taken together, these three references teach away from the novel combination recited in the Applicants' independent Claims 1 and 6. It appears therefore that the motivation to combine these references comes from the Applicants' claims used as a template which, as is well settled, is an improper basis for a rejection under 35 U.S.C. §103(a). Moreover, no other cited reference provides the teaching or suggestion necessary to supply the same combination of steps as recited in the Applicants' claimed invention. This, in conjunction

with the lack of any disclosure in the references to suggest the control action, is clear evidence that none of the cited references, taken singularly or in combination, obviate or anticipate Applicants' invention. In view of the foregoing reasons, the Applicants respectfully request that this rejection be withdrawn.

Regarding the dependent Claims 2-5 and 7-10, dependent respectively from base claims 1 and 6, as amended, the rejection under the above three references is moot because the base claims 1 and 6 have been shown in the foregoing remarks to be allowable in their amended form.

Regarding Claims 2, 3, 7 and 8, rejected under 35 U.S.C. 103(a) as being unpatentable over *Bendinelli, Yokozawa, Ullman* as applied to Claims 1, 4 and 5 and 6, 9 and 10 and further in view of *Hitzelberger* (U.S. Patent No. 6,061,368) this rejection is respectfully traversed as follows. In *Hitzelberger*, an associative comparison is made between received and stored packet identifier sets. If the associative comparison is successful, a header index, which points to routing information stored in a header cache, is issued. The header index is then used to retrieve routing information from the header cache for assembly into an outgoing packet header. In the Applicants' invention, by contrast, the process is much simpler. A database contains unique *perceivable* codes in association with routing information. Upon a match between an incoming unique *perceivable* code with a unique *perceivable* code in the database, the routing information is released and sent back to the user location. Thus *Hitzelberger* fails to supply exactly the method as taught in Applicants' Claims 2 and 3 and respectively 7 and 8. Moreover, the motivation for combining *Hitzelberger* with the foregoing three references again comes from the Applicants' novel combination of steps. Applicants respectfully request the withdrawal of this rejection and the allowance of dependent Claims 2 and 3 dependent from independent Claim 1 and dependent Claims 7 and 8 dependent from independent Claim 6.

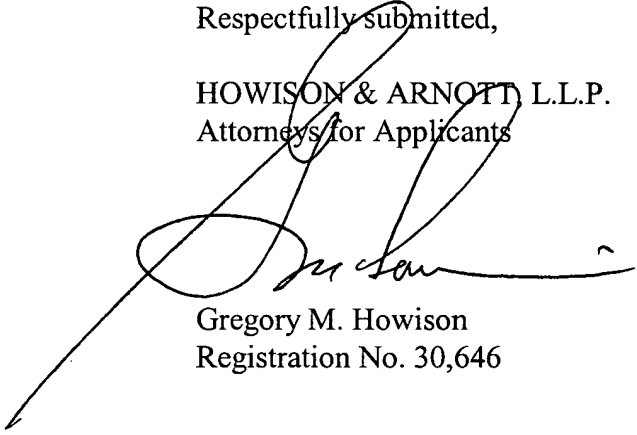
Applicants bring to the Examiner's attention a co-pending application with claims very similar, but not exact, to those in the present case. This is U.S. Patent Application Serial No. 09/378,216, filed August 19, 1999 and entitled "A Method for Controlling a Computer Using an Embedded Unique Code in the Content of Videotape Media." This application was rejected in view

of U.S. Patent No. 6,195,693, issued to *Berry et al.* A copy of this patent has been enclosed in the attached Information Disclosure Statement. Applicants believe that the claims as amended distinguish over this reference, but it is believed that this patent is relevant to the prosecution of the present case. Another related application of similar scope is U.S. Patent Application Serial No. 09/378,217, filed August 19, 1999.

Applicants have now made an earnest attempt in order to place this case in condition for allowance. For the reasons stated above, Applicants respectfully request full allowance of the claims as amended. Please charge any additional fees or deficiencies in fees or credit any overpayment to Deposit Account No. 20-0780/PHLY-24,706 of HOWISON & ARNOTT, L.L.P.

Respectfully submitted,

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